

In the High Court of Punjab and Haryana, Chandigarh.

Civil Revision No. 5358 of 2006

Date of Decision: 1.11.2007

Jarnail Singh

...Petitioner

Versus

Kirpal Singh and others

...Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BINDAL

Present: Mr. Vikas Singh Advocate
for the petitioner.

Mr.Vikas Mohan Gupta, Advocate
for respondent No.1.

RAJESH BINDAL, J.

The petitioner/defendant No.1 has approached this Court by filing the present appeal challenging the order dated August 30, 2006 (Annexure P4) passed by learned Civil Judge (Junior Division), Patiala, whereby the prayer made by him along with other co-defendants No.2 to 4 in the suit to permit them to cross-examine respondent No.1/defendant No.5 was rejected.

The challenge in the suit is to the judgment & decree dated June 6, 1994 passed in a suit titled as "Jarnail Singh etc. v. Kirpal Singh". In the written statement, the petitioner along with defendants No.2 to 4 admitted the claim of respondent No.2/plaintiff. However, respondent No.1/defendant No.5 contested the suit. The petitioner wanted to cross-examine respondent No.1, which prayer was rejected by the learned trial Court.

Having heard learned counsel for the parties, I do not find any justification in the prayer made by petitioner for the simple reason that in case the petitioner along with defendants No.2 to 4 in the suit have already admitted the claim made by the respondent No.2/plaintiff in the suit, no relief

is being sought by respondent No.1/defendant No.5 against them and contest only seems to be with respondent No.2/plaintiff in the suit and accordingly, he only has a right to cross-examine him on the evidence led by him.

Accordingly, the present petition is dismissed.

The parties through their learned counsels are directed to appear before the trial Court for further proceedings on December 4, 2007.

(Rajesh Bindal)
Judge

November 01, 2007
“DK”